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PATENT  
Customer No. 22,852  
Attorney Docket No. 09812.0461-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Nobuyuki KIHARA, et al. )  
) Group Art Unit: 2143  
Application No.: 09/674,441 )  
) Examiner: Shin, Kyung H.  
Filed: November 1, 2000 )  
) Confirmation Number: 8620  
For: DATA PROCESSING DEVICE, )  
DATA PROCESSING METHOD, )  
TERMINAL UNIT, AND )  
TRANSMISSION METHOD FOR )  
DATA PROCESSING DEVICE )

**Attention: Mail Stop Appeal Brief-Patents**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REPLY BRIEF UNDER 37 C.F.R. § 41.41**

Pursuant to 37 C.F.R. § 41.41, Appellants present this Reply to the Examiner's

Answer mailed September 8, 2006.

**REMARKS**

**I. Status of Claims**

In response to the Appeal Brief filed on May 26, 2006, the Examiner has maintained the rejection of claims 1-4 and 16 under 35 U.S.C. § 103(a) as being unpatentable over *Stock et al.* (U.S. Patent No. 6,011,858) in view of *Tanaka et al.* (U.S. Patent No. 5,682,549)

**II. Response to Examiner's Arguments in the Answer**

Appellants traverse the Examiner's rejection of claims 1-4 and 16 under 35 U.S.C. § 103(a). Appellants maintain that a *prima facie* case of obviousness has not been established for reasons of record and for the additional reasons set forth below.

In the Examiner's Answer, the Examiner first equates the claimed "move/copy history indicative of the movement of a particular file," to the recording of a completed financial transaction on a biometric memory card, as disclosed by *Stock et al.* (See *Examiner's Answer*, p. 10.) Subsequently, it appears the Examiner equates the claimed "move/copy history indicative of the movement of a particular file," to a file structure for storing personal information on the biometric memory card. (*Id.* at p.11.) In either case, the claimed "move/copy history" is not disclosed by *Stock et al.*

Specifically, *Stock et al.* discloses that by recording a completed financial transaction on a biometric memory card, "printed paper receipts that display [a] credit card number and card holder's name are eliminated." (*Stock et al.*, 6:5-12.) Therefore, the recorded transaction of *Stock et al.* does not disclose "storing move/copy history

indicative of the movement of a particular file when the particular file is moved/copied,” as recited in independent claims 1 and 16.

In addition, *Stock et al.* discloses a file structure of the biometric memory card that “stores and maintains the personal information of the user for one or more applications.” (*Id.* at 4:33-43.) *Stock et al.* does not disclose that the file structure “is a set of data structures consisted [sic] of multiple fields containing information concerning times, dates, filenames indicated the particular files(s) which are moved/copied utilizing this particular structure,” as alleged by the Examiner. (*Examiner’s Answer*, p. 11.) In fact, the Examiner has not pointed to any support for such a conclusion within *Stock et al.* Therefore, the file structure of *Stock et al.* does not disclose “storing move/copy history indicative of the movement of a particular file when the particular file is moved/copied,” as recited in independent claims 1 and 16.

Independent claim 1, also recites “prohibiting the particular file from being moved/copied from said large capacity memory means to the non-volatile memory when said reference means has detected that the history information is stored in said memory means.” Independent claim 16, although of different scope, recites similar subject matter. For a teaching of prohibiting the file from being moved/copied, the Examiner again equates the claimed “move/copy history” to the “file structure” of *Stock et al.* The Examiner further alleges that “these data structures consist of multiple fields containing information with an indication of whether it is history information.” (*Id.*) However, *Stock et al.* only discloses that the file structure stores either “personal information of the user for one or more applications,” (*Stock et al.*, 4:34-36) or “a biometric template of a physical characteristic of the user.” (*Id.* at 4:44-46.)

Moreover, the Examiner interprets *Stock et al.* to disclose, "[i]f no history information exists, the particular file cannot be moved/copied." (*Examiner's Answer*, p. 11.) However, this is contrary to the claim language. As recited in independent claims 1 and 16, the particular file is prohibited from being moved/copied "when said reference means has detected that the history information is stored in said memory means."

*Tanaka et al.* does not disclose the claimed "move/copy history" or "prohibiting the particular file from being moved/copied" when the "history information is stored." Therefore, *Tanaka et al.* does not cure the noted deficiencies of *Stock et al.*

### III. Conclusion


Accordingly, for the reasons set forth above, supplementing those presented in the Appeal Brief filed on May 26, 2006, Appellants maintain that a *prima facie* case of obviousness has not been established. Thus, Appellants respectfully request reversal of the rejection of claims 1-4 and 16 under 35 U.S.C. § 103(a).

If there are any fees due that are not enclosed herewith, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: November 7, 2006

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